



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/741,303

12/18/2003

Adam J. Weissman

16113-330001

4367

26192 7590 03/24/2008

FISH & RICHARDSON P.C.

PO BOX 1022

MINNEAPOLIS, MN 55440-1022

EXAMINER

MYINT, DENNIS Y

ART UNIT

PAPER NUMBER

2162

MAIL DATE

DELIVERY MODE

03/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/741,303	Applicant(s) WEISSMAN ET AL.	
	Examiner DENNIS MYINT	Art Unit 2162	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-29 and 35-48.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Cam Y Truong/
 Primary Examiner, Art Unit 2162

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant argued that "in the action mailed January 10, 2008, the specification was objected to as failing to provide proper antecedent basis for "computer readable data storage medium". Applicant respectfully disagrees. Attention is respectfully directed to para. [0012], which describes that computer-readable media include electronic, optical, magnetic, or other storage devices. (Applicant's argument, page 9 first and second paragraphs).

In response, it is respectfully pointed out that "computer readable media" and "computer-readable data storage media" are not the same. Applicant's attention is respectfully directed to the fact that "Computer-readable data storage media" is not explicitly defined in said paragraph (i.e., [0012]).

In addition, Applicant argued that "neither Woods' single search query phrase, nor Copperman's initial search query and any subsequently selected 'related features', describe or suggest requests for information that include a definition of a concept list comprising an origin concept, a relationship between the origin concept and an evaluated concept, and a distance representing a strength of the relationship between the origin concept and the evaluated concept, and a target scope that characterizes a document region to which the concept list is to be applied, as recited in claims 1 and 15. Lacking such requests, Woods and Copperman also fail to describe or suggest responding to such requests, as recited in claims 1 and 15" (Applicant's argument, page 11 second paragraph).

In response it is pointed out that Woods in view of Copperman teaches said features as follows: "receiving, from a user, a request for information that includes a definition of a concept list" (Woods, Figure 4, i.e., Input search query 410; Woods, Column 5 line 67 through Column 6 line 1, i.e., a search query phrase (consisting of one to many terms) is input) that indicates "a definition of a concept list comprising an origin concept list comprising an origin concept, a relationship between the origin concept and an evaluated concept, and a distance representing a strength of the relationship between the origin concept and the evaluated concept" (Copperman, Paragraph 0132), and a target scope that that characterizes a document region to which the concept list is to be applied" (Wood, Column 4 Lines 47-38, i.e., windows onto a target document - i.e., regions in a document and Column 5 Lines 7-14); and "target scope that that characterizes a document region to which the concept list is to be applied" (Wood, Column 4 Lines 47-38, i.e., windows onto a target document - i.e., regions in a document and Column 5 Lines 7-14; "concept list" is taught by Copperman, Paragraph 0132);

"receiving a definition of an extraction rule, wherein the extraction rule definition comprises an extraction scope characterizes a document region to be extracted" (Wood, Column 4 Lines 47-38; Column 5 Lines 7-14, and Figure 2 and Column 4 Lines 63-67; Column 5 Line 66 through Column 7 Line 57);

"determining a target score for the document regions of the article, wherein the score represents how well the document regions relate to the concept list" (Wood, Column 4 Lines 47-38, Column 4 Lines 59-61, Column 6 Lines 7; Copperman; "concept list" is also taught by Copperman, Paragraph 0132); "applying the extraction rule to the article to determine an extract from the article, wherein the application of the extraction rule is based on the determined target score" (Woods, Column 5 Line 66 through Column 7 Line 57; Also note Figure 4 of Wood); "outputting the extract in response to the request for information" (Wood, Figure 4, i.e., Display (store) actual hit passages (from documents) according to rank; highlight hit terms, providing hyperlinks to target text). Applicant also argued that "the rejection of claims 1 and 15 lack even a bald connection that Woods and Copperman describe or suggest that receipt of a request for information that includes a relationship between an original concept and an evaluated concept, as recited in claims 1 and 15 (Applicant's argument, page 11 last paragraph through page 12 first paragraph).

In response it is pointed out that Woods in "a relationship between the original concept and an evaluated concept (Copperman, Paragraph 0132, i.e., As an illustrative example, suppose that "TCP-IP" is offered as a related feature 835 in a user session where the Symptom concept node "can't connect" and the Object concept node "network" have already been confirmed as relevant to the user query. In this example, the ranking of "TCP-IP" with respect to other displayed related features 835 is based on how often previous users selected the various related features when "can't connect" and "network" were already confirmed as concept nodes deemed relevant to the user session. In one implementation, each related feature, such as "TCP-IP", includes a list of confirmed concept nodes with which it has been previously presented. Each such confirmed concept node includes an weight or other indicator including information about how often the particular related feature was selected together with that particular confirmed concept node. For example, the related feature "TCP-IP" would include a weight for "can't connect" and "TCP-IP," another weight for "network" and "TCP-IP", and similar weights for the other confirmed concept nodes with which the "TCP-IP" related feature 835 has previously been presented. In this example, the ranking and/or display of the "TCP-IP" related feature 835 is based on such weights. Further description of suitable use-based ranking techniques are described in the above-incorporated Copperman et al. U.S. patent application Ser. No. 09/944,636; In the above example, "can't connect" and "network" are origin concepts. TCP/IP is the evaluated concept. Distance/weights between said concept nodes are illustrated Figure 2 of Copperman; Particularly note Paragraph 0037-0038, Figure 6, Paragraph 0061 of Copperman which teaches how said weights/relationships/distances are derived).

Applicant also argued that "even if Woods and Copperman were combined, one of ordinary skill would not arrive at the cited subject matter. Accordingly, Claims 1 and 15 are not obvious Woods and Copperman" (Applicant's argument, page 12 third paragraph).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one would have been motivated to do so in order to classify documents according to the most pertinent concept or concepts (Copperman, Paragraph 0006).

Applicant also argued that "if the Examiner insists on maintaining the rejection, Applicant respectfully request that the Examiner explain how a collection of terms in a search query constitutes a list of concepts, especially in light of Wood's explicit description that it does not" (Applicant's argument, page 13 third paragraph).

In response, Applicant is respectfully reminded that "concept list" is taught by Copperman in the combination of Woods in view of Copperman which renders the limitations of claims 1 and 15 obvious. Copperman teaches "concept lists" in paragraph 0132 and Woods, Figure 4, i.e., Input search query 410; Woods, Column 5 line 67 through Column 6 line 1, i.e., a search query phrase (consisting of

one to many terms) is input" and Copperman paragraph . A search query phrase that consists one to many terms is a list of concept.

Applicant also argued that "Wood and Copperman neither describe nor suggest that a request for information that describes a combination of two or more concept lists be received, as recited in claim 47" (Applicant's argument, page 15 second paragraph).

In response, it is pointed out that Woods in view of Copperman and further in view of Sacco teaches a request for information (Wood, Column 4 Lines 47-38, i.e., windows onto a target document - i.e., regions in a document and Column 5 Lines 7-14) "that decies a combination of two more concept lists" (Copperman in view of Sacco). Note that Copperman teaches concept lists and Sacco teaches combining concepts using an operation (Sacco, Column 2 Lines 5-8 and Column 8, Lines 15 through Column 3 Line 32) to define a target definition that is to be detected (Wood, Column 4 Lines 47-38, Column 5 Line 66 through Column 7 Line 57; Note that Woods in view of Copperman teaches two or more concept lists).

In view of the above, the examiner contends that all limitations as recited in the claims have been addressed in this Action. For the above reasons, Examiner believed that rejection of the last office action was proper.

/dennis myint/
Dennis Myint
Examiner
AU-2162